

Department of Legislative Services
Maryland General Assembly
2014 Session

FISCAL AND POLICY NOTE

House Bill 94
Judiciary

(Delegate Arora)

Criminal Law - Prohibition on Manufacture of Detachable Magazine or Firearm Receiver - 3-Dimensional Printing

This bill prohibits a person from using a 3-D printer to manufacture a firearm receiver. The term “manufacture” includes any process by which a person uses any material to create or modify a detachable magazine or firearm receiver. Current law misdemeanor penalties apply.

Fiscal Summary

State Effect: Minimal increase in general fund revenues and expenditures due to applicable penalty provisions.

Local Effect: Minimal increase in local revenues and expenditures due to applicable penalty provisions.

Small Business Effect: Minimal or none. There are currently no known businesses in Maryland seeking to manufacture detachable magazines or firearm receivers via the use of 3-D printing.

Analysis

Current Law: A person may not manufacture, sell, offer for sale, purchase, receive, or transfer a detachable magazine that has a capacity of more than 10 rounds of ammunition for a firearm. With certain exceptions, a violator is guilty of a misdemeanor and subject to maximum penalties of imprisonment for three years and/or a fine of \$5,000. This does not apply to (1) a .22 caliber rifle with a tubular magazine or (2) a law enforcement officer or a person who retired in good standing from service with a law enforcement agency of the United States, the State, or any law enforcement agency in the State.

Background: 3-D printing is a process of making a three-dimensional solid object of virtually any shape from a digital model by an additive process, where successive layers of material are laid down in different shapes. 3-D printers are now widely available commercially and objects can be printed in a variety of materials, including metals and plastics.

The federal Undetectable Firearms Act makes it illegal to manufacture, import, sell, ship, deliver, possess, transfer, or receive any firearm that is not as detectable by walk-through metal detector as a security exemplar containing 3.7 ounces of steel, or any firearm with major components that do not generate an accurate image before standard airport imaging technology. The federal prohibition was first enacted in 1988, and was renewed for 10 years in December 2013.

Various news accounts in 2013 reported that 3-D printers can be, and have been, used to manufacture workable firearms.

State Revenues: General fund revenues increase minimally as a result of applicable monetary penalty provision from cases heard in the District Court.

State Expenditures: General fund expenditures increase minimally as a result of the applicable incarceration penalty due to more people being committed to State correctional facilities and increased payments to counties for reimbursement of inmate costs. The number of people convicted of this proposed crime is expected to be minimal.

Persons serving a sentence longer than 18 months are incarcerated in State correctional facilities. Currently, the average total cost per inmate, including overhead, is estimated at \$3,100 per month. This bill alone, however, should not create the need for additional beds, personnel, or facilities. Excluding overhead, the average cost of housing a new State inmate (including variable health care costs) is about \$735 per month. Excluding all health care, the average variable costs total \$185 per month.

Persons serving a sentence of one year or less in a jurisdiction other than Baltimore City are sentenced to local detention facilities. For persons sentenced to a term of between 12 and 18 months, the sentencing judge has the discretion to order that the sentence be served at a local facility or a State correctional facility. Prior to fiscal 2010, the State reimbursed counties for part of their incarceration costs, on a per diem basis, after a person had served 90 days. Currently, the State provides assistance to the counties for locally sentenced inmates and for inmates who are sentenced to and awaiting transfer to the State correctional system. A \$45 per diem grant is provided to each county for each day between 12 and 18 months that a sentenced inmate is confined in a local detention center. Counties also receive an additional \$45 per day grant for inmates who have been sentenced to the custody of the State but are confined in a local facility. The State does

not pay for pretrial detention time in a local correctional facility. Persons sentenced in Baltimore City are generally incarcerated in State correctional facilities. The Baltimore City Detention Center, a State-operated facility, is used primarily for pretrial detentions.

Local Revenues: Revenues increase minimally as a result of the applicable monetary penalty provision from cases heard in the circuit courts.

Local Expenditures: Expenditures increase minimally as a result of the applicable incarceration penalty. Counties pay the full cost of incarceration for people in their facilities for the first 12 months of the sentence. A \$45 per diem State grant is provided to each county for each day between 12 and 18 months that a sentenced inmate is confined in a local detention center. Counties also receive an additional \$45 per day grant for inmates who have been sentenced to the custody of the State but are confined in a local facility. Per diem operating costs of local detention facilities have ranged from approximately \$60 to \$160 per inmate in recent years.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Judiciary (Administrative Office of the Courts), Office of the Public Defender, Department of Public Safety and Correctional Services, Department of Legislative Services

Fiscal Note History: First Reader - February 27, 2014
mc/lgc

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